



Attorney's Docket No.: 004098.P002



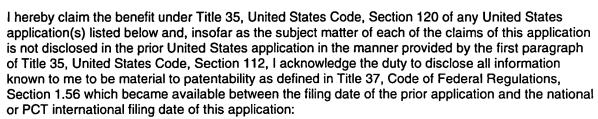
DECLARATION AND POWER OF ATTORNED FOR TENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office	e address and citizenship	are as stated below, next to my	name.
first, and joint inventor (if for which a patent is sou	f plural names are listed		
the specification of which	n		
	ned hereto. d on (MM/DD/YYYY) United States Application or PCT International Application and was amended on (Marketine)	n Number <u>09/677,040</u> blication Number_ IM/DD/YYYY)	as
		(if applicabl	e)
		nd the contents of the above-iden by any amendment referred to ab	
	to disclose all information of Federal Regulations,	known to me to be material to pa Section 1.56.	tentability as
foreign application(s) for	patent or inventor's certion or patent or inventor's ce	35, United States Code, Section ficate listed below and have also rtificate having a filing date before	identified below
Prior Foreign Application	<u>n(s)</u>		Priority <u>Claimed</u>
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes No
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes No
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes No
I hereby claim the benef provisional application(s		States Code, Section 119(e) of an	y United States
60/157,221	Septembe	r 30, 1999	
Application Number	(Filing Date -	r 30, 1999 - MM/DD/YYYY)	

Application Number

(Filing Date - MM/DD/YYYY)



Application Number	(Filing Date – MM/DD/YYYY)	Status patented pendin	d, g, abandoned
Application Number	(Filing Date – MM/DD/YYYY)		d, g, abandoned
part of this document) as n	ns listed on Appendix A hereto (was respective patent attorneys and to prosecute this application and nected herewith.	d patent agents, with	full power of
Send correspondence to	Robert B. O'Rourke	_, BLAKELY, SOKO	LOFF, TAYLOR &
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statements made on info statements were made w are punishable by fine or	statements made herein of my or rmation and belief are believed ith the knowledge that willful for imprisonment, or both, under th willful false statements may issued thereon.	to be true; and fur alse statements and Section 1001 of Titl	ther that these I the like so made e 18 of the United
Full Name of Sole/First Inv	entor Seth Bradley Noble		
nventor's Signature	Lth Bully Noble	Date _/1//.	4200
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Residence	(City, State)	tizenship	(Country)
			(Country)
Post Unice Address			

Rev. 10/01/00 (D2)

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APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.